

Remarks

This paper is filed in response to the Office Action mailed April 5, 2010 in which claims 1-33 were pending in the application. All pending claims stand rejected. By this paper, claims 1, 2, 6, 7, 13, 14, 19, 27, 32, and 33 are amended, and claims 5 and 31 are cancelled. Claim 19 was amended to correct a typographical error, and amendments to claims 6, 7, 13 and 14 update the dependency of the claims in light of the cancellation of claim 5. Support for the amendment to claims 1, 2 and 27 can be found in the specification, pages 13 and 14, Figures 3 and 4, and in claim 14 as originally filed. Support for the amendments to claims 32 and 33 can be found on page 13, lines 5-19.

For at least the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and is in condition for allowance.

Rejections Under 35 U.S.C § 102

Claims 1-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,139,573 issued to Sogard et al. ("Sogard") and by U.S. Patent No. 6,913,617 issued to Reiss ("Reiss"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), see MPEP 2131. Here, Sogard does not disclose a stent where the cover adheres to the struts of the stent, and Reiss does not disclose a stent where the coating covers the area between the struts to which the coating is adhered. Thus, Sogard and Reiss do not anticipate claims 1-4, 6-14, 16-30 and 31-32.

All of the pending claims, as amended, contain the limitation that the cover adheres to the interior surface of a plurality of the struts. Sogard, on the other hand, set out to solve the problem that “it has been heretofore difficult to attach stents to grafts made from ePTFE” because “ePTFE is inherently resistant to adhesive bonding.” Thus, the invention of Sogard “seeks to overcome difficulties of attaching ePTFE material to a stent by using an anchoring material which can be carried into and entrapped in the porous surface of ePTFE.” Sogard, column 2, lines 35-51.

Consequently, according to the teachings of Sogard, “the stent is neither bonded nor adhered to the respective layers, but is firmly held therebetween. The respective layers sandwiching the stent can be peeled apart without demonstrating any noticeable adherence to the stent surface.” Sogard, column 4, lines 30-34. Since the layers that sandwich the stent in Sogard do not adhere to the stent surface, Sogard does not disclose a stent where the cover adheres to the interior surfaces of a plurality of struts, as in the present claims.

Furthermore, all of the claims, as amended, contain the limitation that the area between the covered struts is also covered. Reiss, on the other hand, discloses the use of electric discharges to vaporize material from the surface of the stent, “leaving pits or voids, which cause the surface to be rough.” Then, “the pitted region of the surface, or a portion thereof, can be coated with a coating containing a therapeutic substance or substances, a polymer, or a combination of therapeutic substances and a polymer.” Reiss, column 2, lines 58-60. Since Reiss only teaches that the pitted region of the surface, or a portion thereof that is coated, Reiss does not disclose a stent where the area between the covered struts is also covered.

In sum, Sogard and Reiss do not disclose all of the limitations of the present claims. Therefore, the rejection of claims 1-4, 6-14, 16-30 and 31-32 should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants submit that the claims define patentable subject matter and a Notice of Allowance is requested. Should questions exist after consideration of the foregoing, the Examiner is kindly requested to contact the Applicants' attorney at the telephone number given herein.

Respectfully submitted,

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Date: July 6, 2010

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